Derogation Number
DER-BAT-2027-09
(Survey Derogation)

EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS, 2011
(S.I. No 477 of 2011)

DEROGATION

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as "the Habitats Regulations".

The Minister for Housing, Local Government & Heritage, in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants to **Jenny Kiely, Ecologist** of **Woodrow APEM Group, Upper Offices, Ballisodare Centre, Ballisodare, County Sligo, F91 PE04** a derogation. It is stated that this derogation is issued:

A. In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
B. As there is no satisfactory alternative, and the action authorised by this derogation will not be detrimental to the maintenance of the population of **bats** referred to below at a favourable conservation status in their natural range.

This derogation authorises the following:

1. Roost disturbance
2. Actions authorised within the derogation

The derogation is issued in respect of **all bat species**

Under supervision of the above-named derogation holder: Betty O'Brien, Faye White, Elisa Achiluzzi, Margot Planquelle, Aedín Lewis, Bruno Mels, Jasmin Day-O'Neill, David McGarrell, James O'Connor, Patrick Quinn, Conn Barry, Tanushree Mandra, Nikolina Foric, Sue Iremonger & Grisel Calcagno

Terms and Conditions

1. This derogation is granted solely to allow the examination of potential bat roosts, including **all bat species and all roost types**, as necessary in order to undertake environmental impact assessments for property owners or developers or scientific study within the Republic of Ireland.
2. All activities authorised by this derogation, and all equipment used in connection herewith, shall be carried out, constructed and maintained (as the case may be) so as to avoid unnecessary injury or distress to any species of **BAT**.
3. This derogation may be modified or revoked, for stated reasons, at any time.
4. The actions which this derogation authorises shall be completed between the **1st January – 31st December 2027, inclusive.**
5. The **Bat Roost Survey Protocol** as set out below must be adhered to, in order to ensure minimisation of disturbance to bats**.**
6. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or any authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.
7. On completion of the actions which this derogation authorises, all recordings of bat species affected will be made using the standardised data form provided below and must be submitted to the NPWS **within four weeks of the expiry date of this derogation**. Included with the below returns form, a report will also be submitted to wildlife.reports@npws.gov.ie detailing results of works and success of mitigation. **Both documents must be submitted to constitute a derogation return.**

Bat Roost Survey Protocol to ensure minimisation of disturbance to bats

1. **For unknown roosts**
    a) Check with owner/client re presence of bats.
    b) Check with Bat Conservation Ireland to determine roost records.
    c) Survey for external signs of bats and roost entry points. If positive signs, then treat as known /suspected roost.
    d) Entry to possible roost should be made cautiously especially if survey is carried out in the winter period when signs of bats may be difficult to find. Should signs of bats be noted then treat as a known/suspected roost.

2. **For known/suspected roosts**
    a) Generic measures to include:
        i. Avoid using roost illumination apart from torches.
        ii. Talking in low tone is preferred to whispering.
        iii. Bats seen in situ should be counted where possible and then left alone.
        iv. Handling of bats to confirm identification is only used as a last resort and is subject to separate licencing under the Wildlife Acts (S.23).
        v. Samples of droppings, dead bats etc. may be removed to facilitate species identification.
        vi. Care to be taken to avoid cooling or warming effects as described below.
    b) During potential hibernation season (November-March), only one person should enter roost area. If any hibernating bats are seen to be showing signs of waking, then the roost survey will be abandoned immediately.
    c) During the breeding season, known breeding roosts should be avoided unless emergency work is required. This will usually be the subject of a separate derogation.

For the Minister for Housing, Local Government & Heritage

Fiona O' Mahony.

(an officer authorised by the Minister to sign on his behalf)

20 November 2026

Any query in relation to this derogation should be sent to reg54derogations@npws.gov.ie

National Parks & Wildlife Services
LICENCE

Derogation Assessment

Name of Applicant: Jenny Kiely

Location/Name of Project: Survey Derogation

Tick the following prohibition as chosen on the application:

(a) Deliberately capture or kill any specimen of the relevant species in the wild	☐
(b) Deliberately disturb these species particularly during the period of breeding, rearing, hibernation and migration	☒
(c) Deliberately take or destroy eggs of the relevant species in the wild	☐
(d) Damage or destroy a breeding or resting place of such an animal, or	☐
(e) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of the relevant species taken in the wild, other than those taken legally as referred to in Article 12(2) of the Habitats Directive.	☐
(a) Deliberately pick, collect, cut, uproot or destroy any specimen of these species in the wild, or	☐
(b) Keep, transport, sell, exchange, offer for sale or offer for exchange any specimen of these species taken in the wild, other than those taken legally as referred to in Article 13(1)(b) of the Habitats Directive.	☐

Test 1: A reason(s) listed in Regulation 54 (a)-(e) applies to the proposed activity

i. Tick which reason <u>the applicant claims</u> should be applied to the derogation

(a) In the interests of protecting wild flora and fauna and conserving natural habitats,	☐
(b) To prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property	☐
(c) In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,	☒
(d) For the purpose of research and education, of re-populating and re-introducing these species and for the breeding operations necessary for these purposes, including artificial propagation of plants, or	☐
(e) To allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.	☐

ii. Test 1: Conclusion

Please tick the following where it applies:

There is a valid reason(s) listed in Regulation 54 (a)-(e) which applies to the proposed activity:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion:

The application form and associated documentation provided by the applicant has been reviewed in full. The application relies on regulation 54(2)(c) '*in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment*' as the reason chosen for a derogation that they believe applies to the proposed activity.

In the detail provided, it is clear that the applicants are relying on the imperative reasons of overriding public interest, including those of a social or economic nature aspect of Reason C. As outlined in the accompanying report titled "Appendix 1: Statement in Support", a derogation is required to facilitate nationwide Bat surveys.

The objective of the surveys as outlined in the report is to support residential projects including demolition and restoration of buildings, maintenance, and preservation of heritage buildings and for change of use. This information will allow these projects to proceed safely and help to inform environmental assessments.

The applicant has provided evidence as to the nature and scale of the public interest including those of a social or economic nature for the proposed works and the proposed activity is necessary to achieve these overall objectives. Based on the above this application has passed Test 1 and can now proceed to Test 2.

Test 2: Absence of a satisfactory alternative

Please tick the following where it applies and add a comment below to support the recommendation:

The applicant has provided satisfactory evidence that alternative solutions have been considered and have given reasons why the proposed approach is the only satisfactory alternative:	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion (If you wish to add additional conditions please complete pg. 6):

This is an application for a bat survey licence to enter unknown bat roosts across Ireland as part of ecological survey work and to inform survey assessments. The activity is limited to survey and inspection only and does not involve development works, structural alteration, or intentional harm to bats or their roosts.

Bat surveys can sometimes be conducted externally to avoid disturbance. However, to obtain accurate, site-specific ecological information regarding the presence, absence, status, and use of structures or features by bats it is usually necessary to survey buildings and structures internally as well. This can lead to minor, temporary disturbance if bats are found to be present. Based on the assessment of the application documentation, it is regarded that the applicant has considered all available alternative solutions and at this time no other alternative solutions are apparent.

Having weighed the possible solutions it is concluded that the application has passed Test 2 and can proceed to Test 3.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.

Test 3: Impact of a derogation on conservation status of the species

Please tick the following where it applies and add a comment below to support the recommendation:

The derogation would NOT be detrimental to the maintenance of the populations of the species in question at a favourable conservation status in their natural range.	Yes	☒
	No	☐

Please outline your analysis below and state how the applicant has provided evidence to support your conclusion. (If you wish to add additional conditions please complete pg. 6)

The application relates to inspections of potential bat roosts with an endoscope/ High powered torch.
The purpose of the activity is to obtain accurate, site-specific ecological information regarding the presence, absence, status, and use of structures or features by bats, in order to inform statutory ecological assessment, planning compliance, and environmental protection.

The activity is limited to survey and inspection only and does not involve development works, structural alteration, or intentional harm to bats or their roosts.

Inspections will be undertaken by an experienced ecologist (or a trainee ecologist under the supervision of an experienced ecologist) following best practice guidelines to minimise disturbance to any bats encountered during the survey work. This approach eliminates the risk of direct disturbance to roosting individuals, while also ensuring that comprehensive assessments of bat activity are undertaken.

The proposed methods are minimally invasive and provided they are carried out in accordance with best practice the activity will not be detrimental to the maintenance of the populations of the bat species in question at a favourable conservation status in their natural range.

If the answer above is Yes then the derogation may be granted, providing Tests 1 and 2 have also been met.

Upon completion of your assessment, please return this Recommendation to WLU to continue the application process.

Derogation decision

The application for a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, has been assessed by officials in the Department and the following decision has been made:

Tick box where appropriate:

There is no satisfactory alternative	☒
and the derogation is not detrimental to the maintenance of the populations of the species to which the Habitats Directive relates at a favourable conservation status in their natural range.	☒

Therefore, a derogation may be granted to the applicant, since it is—

(a) in the interests of protecting wild fauna and flora and conserving natural habitats	☐
(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property,	☐
(c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,	☒
(d) for the purpose of research and education, of repopulating and re-introducing these species and for the breeding operations necessary for these purposes, including the artificial propagation of plants, or	☐
(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species to the extent specified therein, which are referred to in the First Schedule.	☐
OR **This application has been refused as one or more of the conditions set out above have not been met**	☐

The following conditions should be attached to the derogation:

1.
2.
3.
4.

[add additional conditions where required]

Signed: Kate Greaney Date: November 20, 2026

Position: Ecologist